



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

November 14, 2018

Mr. Matt Ward
Ward Washington Law Firm
500 New Jersey Avenue, NW, NW 6th Floor
Washington, DC 20001

Subject: Status of RCRA Corrective Action at
Flint Group Pigments (Formerly: BASF, XSYS Print Solutions U.S.)
5th Avenue & 24th Street
Huntington, WV 257221
RCRA ID #: WVD000068601

Dear Mr. Ward:

The U.S. Environmental Protection Agency, Region 3 (EPA) received your email dated October 23, 2018, requesting information on behalf of your client, Huntington Municipal Development Authority, regarding environmental investigations and findings under the Resource Conservation and Recovery Act (RCRA) Corrective Action Program pertaining to two Parcels, Parcels 43 and 45, totaling approximately eight (8) acres (the Subject Parcels) at Flint Group Pigments facility (formerly BASF, XSYS Print Solutions U.S.) (Facility) in Huntington WV. EPA's response to your client's request is contained within this RCRA Status/Comfort letter, which pertains to the existing contamination known to EPA at this time.

I. FACILITY BACKGROUND

The Facility is located at 5th Avenue & 24th Street in Huntington, WV 25703. The Facility is bordered to the north, west and east by residential and business properties, and to the south by rail road tracks. The Facility covers approximately 20 acres. A Facility Location Map depicting the location and boundaries of the Facility and the Parcels are attached as Figure 1.

The Facility has been an active dyestuffs and pigment manufacturing facility since 1912. The Facility was constructed in 1909 and manufacturing began in 1912. Standard Ultramarine Company (SUCo) operated the Facility from 1912 to 1964. Between 1962 and 1964, SUCo merged with the Holland Colors and Chemical Company and the facility became known as Holland-SUCo Color Company. In 1964, the Facility was acquired by Chemetron Corporation and operated under that name until 1979 when the Facility was acquired by the Pigments and Dyestuffs Division of BASF Wyandotte



Corporation. BASF Wyandotte Corporation was renamed BASF Corporation in 1986 and the Facility became the Huntington Works of BASF Corporation. In 2004, the Facility operated under the ownership of Flint Group Pigments (owned by XSYS Printing Systems) after Flint Group Pigments was formed by the merger of BASF Printing Systems and ANI Printing Inks following their respective acquisitions at the end of 2004 by CVC Capital Partners (a private equity firm).

Flint Group Pigments exclusively used the Facility to make alkali blue, a pigment used in magazine and book printing, before ceasing manufacturing operations in 2017. Available records indicate that the Subject Parcels were used for warehousing and parking, and in the past housed a gasoline station and a coal storage pad, depicted as Areas of Concern (AOC) 4 and 8 respectively in Figure 1.

The Facility was not a RCRA permitted Treatment, Storage and/or Disposal facility, but operated a hazardous waste (drum) storage area, under Interim Status, from 1981 to 1987. BASF submitted an Interim Permit Application for drum storage to the EPA on November 17, 1980 and EPA approved Interim Status on August 3, 1981. BASF initially submitted a RCRA Part A permit application for the hazardous waste storage area on July 27, 1982 and subsequently submitted revised Part A permit applications on February 14, 1984 and April 26, 1984, respectively. Prior to submitting the RCRA Part B permit application, BASF decided to close the hazardous waste storage area. BASF submitted the Closure Notice to the EPA on January 21, 1987 and EPA approved the Final Closure for the hazardous waste storage area on April 14, 1988. The Facility was listed as a hazardous waste generator (EPA ID WVD000068601) that stored hazardous waste at the Facility for less than 90 days. BASF entered the Facility-lead corrective action program in 1999 to satisfy the RCRA Corrective Action obligations for the Facility.

II. STATUS OF RCRA CORRECTIVE ACTION ENVIRONMENTAL INVESTIGATIONS FOR THE SUBJECT PARCELS.

A. RFI Phase I and II Site Characterization as it pertains to the Subject Parcels

EPA has reviewed the following BASF reports and has determined that they accurately characterize the known environmental conditions at the Subject Parcels to date: 1) Initial Phase RCRA Facility Investigation Report by the Environmental Liability Management Group, August 13, 2003; 2) Supplemental Groundwater Investigation Results Report by the Environmental Liability Management Group, September 20, 2005; 3) RCRA Facility Investigation Report Phase II by the Environmental Liability Management Group, May 14, 2010; 4) Interim Status Report Subsurface and Vapor Intrusion Investigation by BASF, August 3, 2018; and 5) RCRA Facility Investigation Data Gap Report by the Environmental Liability Management Group, December 2016.

III. CURRENT STATUS AND NEXT STEPS

While BASF is continuing the subsurface vapor intrusion (VI) investigations to determine related VI risks associated with BASF's former operations at the Facility, these VI investigations should not impact the anticipated reuse of the Subject Parcels as a baseball stadium and parking lot.

Once these VI investigations are completed, BASF will be required to provide to EPA a Corrective Measures Study (CMS) which will propose potential remedies for the entire Facility, including the Subject Parcels. EPA will then propose a Final Remedy and solicit public comment on its proposal. After requisite public participation, EPA will select the Final Remedy for the Facility in a Final Decision and Response to Comments.

EPA anticipates that its proposed Final Remedy for Parcels 43 and 45, which include AOCs 4, 8, 10 and 11, will include, at a minimum, long term groundwater monitoring to confirm plume stability and to document changes in contaminant levels and the following activity and use restrictions:

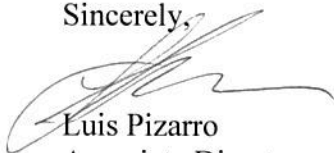
- a. Vapor intrusion control system, the design of which shall be approved in advance by EPA, shall be installed in each new structure constructed above or within 100 feet around the perimeter of a volatile organic compound (VOC) groundwater plume and operated unless or until it is demonstrated to EPA that vapor intrusion of contaminants does not pose a threat to human health and EPA provides prior written approval that no vapor intrusion control system is needed.
- b. Prior to any earth moving activities, including excavation, drilling and construction activities, if there are areas at the Subject Parcels where any contaminants remain in soils above EPA's screening levels for non-residential use or groundwater above federal Maximum Contaminant Levels (MCLs) promulgated pursuant to Section 42 U.S.C. §§ 300f et seq. of the Safe Drinking Water Act and codified at 40 CFR Part 141, any and all such earth moving activities shall be conducted in accordance with a Soils Management Plan which shall be developed and submitted to EPA for review and approval.
- c. The then current owner shall agree to allow the EPA, WVDEP, and/or their authorized agents and representatives, access to the Subject Parcels to inspect and evaluate the continued effectiveness of the Final Remedy and, if necessary, to conduct additional remediation to ensure the protection of the public health and safety and the environment based upon the Final Remedy to be selected by EPA.
- d. Groundwater at the Subject Parcels shall not be used for any purpose other than the operation, maintenance, and monitoring activities required by EPA, unless it is demonstrated to EPA that such use will not pose a threat to human health or the environment or adversely affect or interfere with the Final Remedy and the then current property owner obtains prior written approval from EPA for such use.
- e. No new wells shall be installed on the Subject Parcels unless the then current property owner demonstrates to EPA that such wells are necessary to implement the Final Remedy and the then current property owner obtains prior written approval from EPA to install such wells.

EPA will look first to BASF to perform all necessary environmental investigations and all monitoring activities, institutional controls, or other corrective actions selected by EPA after necessary public participation requirements are met. Based on currently known information and Facility conditions, EPA neither plans nor anticipates requiring others to perform active corrective actions at the Facility, however, if Huntington Municipal Development Authority purchases Parcels 43 and 45, as property owner, it will be responsible for implementing and maintaining all of the activity and use restrictions selected by EPA for those Parcels. As stated above, EPA anticipates that the Final Remedy for Parcels 43 and 45 will consist of long term groundwater monitoring and the activity and use

restrictions set forth above. However, if EPA determines that additional monitoring activities, institutional controls, or other corrective actions are necessary to protect human health or the environment, EPA retains the authority to require such additional corrective actions, provided all necessary public participation requirements are met.

This letter is not intended to limit or affect EPA's authority under RCRA or any other law or to provide a release from RCRA liability. If you need to discuss this letter or have any questions, please contact me at (215) 814-3444 or by email at pizarro.luis@epa.gov.

Sincerely,

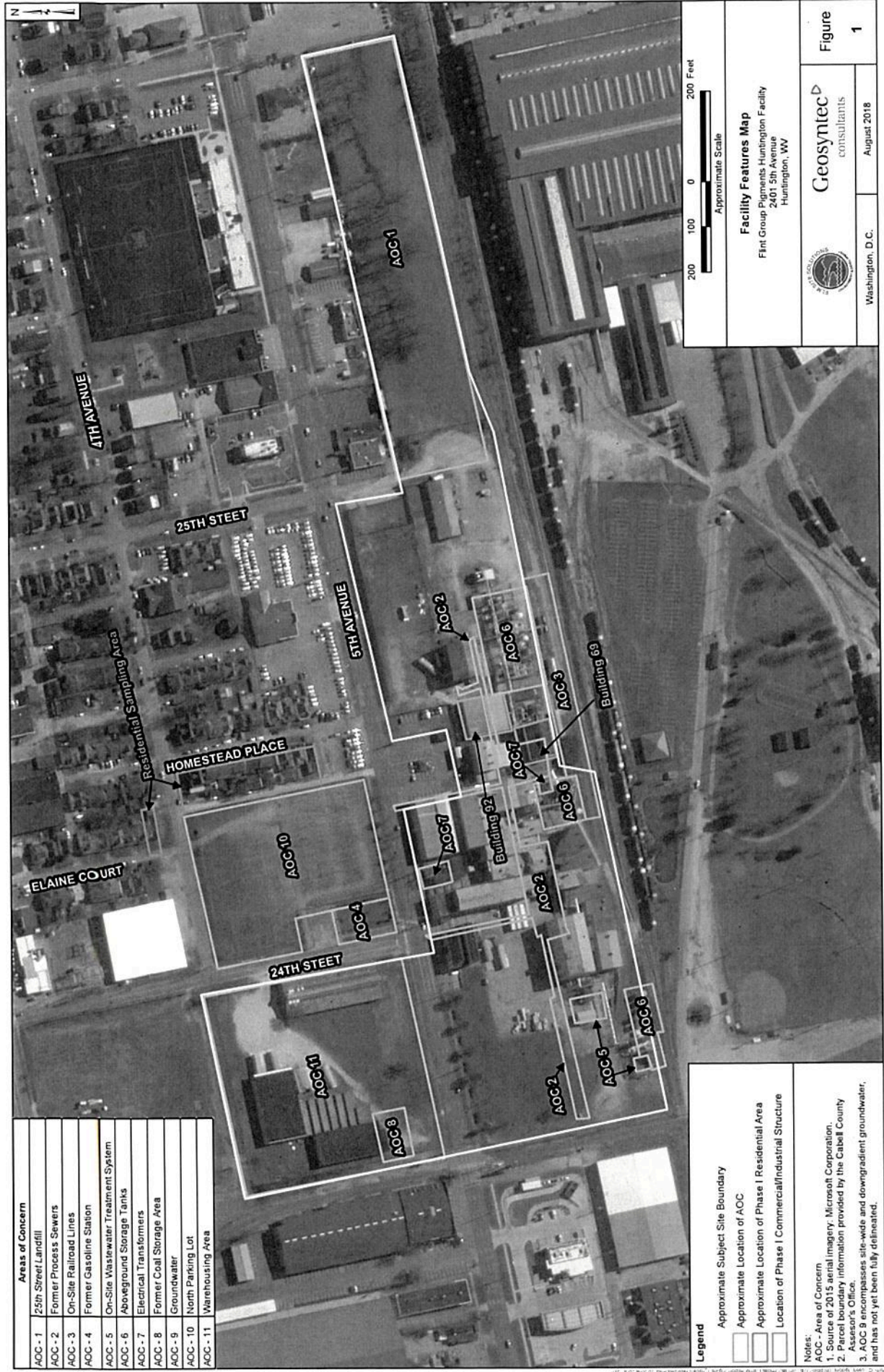
A handwritten signature in black ink, appearing to read 'Luis Pizarro', with a stylized flourish extending to the right.

Luis Pizarro
Associate Director
Office of Remediation
Land and Chemicals Division

Enclosures: Figures 1

E-copies:

Cetin Kenan WVDEP
Vern Burrows BASF
Charles Denton Barnes & Thornburg, LLP



Areas of Concern	
AOC - 1	25th Street Landfill
AOC - 2	Former Process Sewers
AOC - 3	On-Site Railroad Lines
AOC - 4	Former Gasoline Station
AOC - 5	On-Site Wastewater Treatment System
AOC - 6	Aboveground Storage Tanks
AOC - 7	Electrical Transformers
AOC - 8	Former Coal Storage Area
AOC - 9	Groundwater
AOC - 10	North Parking Lot
AOC - 11	Warehousing Area

Legend

- Approximate Subject Site Boundary
- Approximate Location of AOC
- Approximate Location of Phase I Residential Area
- Location of Phase I Commercial/Industrial Structure

Notes:

- AOC - Area of Concern
- 1. Source of 2015 aerial imagery: Microsoft Corporation.
- 2. Parcel boundary information provided by the Cabell County Assessor's Office.
- 3. AOC 9 encompasses site-wide and downgradient groundwater, and has not yet been fully delineated.

Facility Features Map
Flint Group Pigments Huntington Facility
2401 5th Avenue
Huntington, WV

